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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,593	02/12/2001	Marc VanHeyningen	05313.00001	9483
7590 11/01/2006			EXAMINER	
Banner & Witcoff, Ltd. 1001 G Street, N.W. Washington, DC 20001-4597			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/782,593	Applicant(s) VANHEYNINGEN, MARC	
	Examiner Linh LD Son	Art Unit 2135	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 03 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 6, 7, 22, 27, 34 and 35.  
Claim(s) rejected: 1-3, 5, 6, 8-21, 23-26, 28-33 and 36-48.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments filed 10/20/06 have been fully considered but they are not persuasive.

2. As per remark on page 2, Applicant argues that Djakovic does not teach of encrypting the data record using a nonce and incorporating the nonce with the encrypted data record for transmission. Examiner respectfully traverses this argument. In Figure 1, Djakovic discloses a 64-bit plaintext gets encrypted in block 18 using the 128-bit key K1. The output S1 gets encrypted with a 64-bit random SR from block 14 random generator. The output S2 gets encrypted again with 128-bit key K2 to output S3. The 64 bit random SR gets encrypted using 256-bit key K3 for output SER to incorporate with the encrypted plaintext. In Col 4 line 23, Djakovic discloses an output sequence from Fig 1 in a formular format. As on the receiving end, the output sequence goes through a reverse process to decrypt encrypted plain text (Col 4 lines 25-45). In Col 4 line 42, SR is used in the process to decrypt the encrypted plain text. Therefore, Djakovic is teaching the claimed invention. The rejection basis dated 07/03/06 is maintained.

3. As per argument on page 5, applicant argues that no combination of the Djakovic Patent and the Lee patent publication could teach or suggest the features of the invention recited in claims 9, 11, 21, 29, 37, and 44. Examiner traverses the Applicant's argument. Djakovic discloses a method of encrypting plaintext using a nonce for transmission. Lee discloses a proxy server utilizing a security rule-based encryption-decryption engine to process the data packet according to protocol uses to transmit the

Art Unit: 2135

packet (Para 0067). It is obvious at the time of the invention was made for one having ordinary skill in the art to modify Lee's invention to incorporate Djakovic's teaching of encrypt-decrypt packet based on protocol such as UDP, and TCP. Such incorporation would allow the proxy server to process the packet utilizing Djakovic's encryption-decryption teaching in any protocol (Djakovic, Col 7 lines 5-10). Therefore, the rejection is maintained.

4. As per argument on page 5 last paragraph to page 6, Applicant argues that Examiner has provided no reason or basis to argue that somehow including a message authentication code (MAC) into the encryption technique disclosed in the Djakovic patent would actually further authenticate each cipher block. Examiner respectfully traverses Applicant's argument. Djakovic discloses a method of encrypt-decrypt block of plaintext which is known as block cipher. Bellare discloses a method of encrypting-decrypting block of plaintext with authentication capability. It is obvious for one having ordinary skill in the art at the time of the invention was made to modify Bellare's invention to encrypt-decrypt block of plaintext utilizing Djakovic's teaching of encrypting-decrypting method with additional adding the message authentication code (MAC) into the output for authentication purpose. The MAC adds an additional security layer to the packet. Therefore, Djakovic in view of Bellare obviously teaches claims 49-67. The rejection basis is maintained.

***Allowable Subject Matter***


5. Claims 6, 7, 22, 27, and 34-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Linh LD Son  
Examiner  
Art Unit 2135

  
KIM VU  
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